

**REMARKS**

Claims 1-12 are all the claims pending in the application. By this Amendment, claims 1 - 12 have been amended to improve clarity. Applicant respectfully submits no new matter has been added.

**Allowable Subject Matter**

The Examiner has indicated that claim 7 would be allowable if rewritten in independent form including all of the limitations of the base claims. Applicant respectfully requests that the Examiner hold the rewriting of claim 7 in abeyance until the Examiner has reconsidered the requested parent claim in light of the arguments presented below in support of Applicants traverse of the rejection.

**Objection to the Specification**

The Examiner objects to the Specification for allegedly failing to define the acronyms CS, ODU and IS on page 11. Applicant hereby amends page 11 of the disclosure to define CS and IS as “circuit switch” and “input switch”, respectively. ODU is already defined in the first paragraph on page 11 as “optical data unit”.

Applicant respectfully requests that the Examiner withdraw the objection to the Specification.

**Rejection Under 35 U.S.C. § 112, First Paragraph**

Claim 12 is rejected under 35 U.S.C. § 112, first paragraph as allegedly failing to comply with the enablement requirement. Specifically, the Examiner asserts that page 13, lines 1-9 of the specification state contradict claim 12. Applicant respectfully disagrees.

Claim 12 recites “wherein said output data signal is checked whether it has said predetermined signal status, and if so, a copy of said input data signal is transmitted as said output data signal.” Page 13, line 1-10 states that if a squelched signal (output data signal) is detected (checked for the predetermined signal status), the redundant data signal supplied via the protection line 63 (a copy of the input data signal) is selected as the output signal.

Accordingly, Applicant respectfully submits that claim 12 is in compliance with § 112, first paragraph, and requests that the Examiner withdraw the rejection of claim 12.

**Rejection Under 35 U.S.C. § 112, Second Paragraph**

Claims 9-12 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. By this Amendment, Applicant has amended claims 9-12 to improve clarity, and respectfully requests that the Examiner withdraw the rejection of the claims.

**Rejection Under 35 U.S.C. § 102(b)**

Claims 1 and 9 are rejected under 35 U.S.C. § 102(b) as being anticipated by Kremer (U.S. Patent No. 5,390,164). Applicant respectfully traverses the rejection.

*Claim 1*

Claim 1 recites (as amended),

A digital communication device comprising a plurality of interconnected modules for processing and handling received data signals, wherein said interconnected modules each comprise monitoring means for monitoring whether said data signal is erroneous without manipulating or analyzing bits or bytes of said data signal, and for generating an output data signal having a predetermined signal status if said data signal is erroneous.

Kremer, which the Examiner cites as disclosing the above recited features of claim 1, is related to a ring transmission system, and more particularly, to inter-working between bidirectional line-switched ring transmission systems. The Examiner asserts that the controller 205 disclosed in Kramer corresponds to the claimed “monitoring means”. Kramer discloses that the controller 205 operates to effect squelching of communications circuits and to selectively allow communication circuit connections when a ring node has failed. *See* Kremer col. 6, lines 49-54; Figs. 1 and 2. Controller 205 monitors the incoming digital signals to determine “loss-of-signal, alarm conditions, presence of alarm indication signal (AIS), SONET format K bytes and the like”, and causes the insertion of appropriate K byte messages for protection switching purposes. *See* Kremer col. 6, lines 56-63. The controller 205 monitors and analyzes the bits of the incoming digital signal. *See* Kramer col. 11, lines 27-30 (“operational block 702 causes the K bytes of an incoming OC-N signal to be observed and processes the ring node IDs therein”). Therefore, Kramer does not disclose “monitoring means for monitoring whether said data signal is erroneous without manipulating or analyzing bits or bytes of sad data signal”, as recited in claim 1.

Applicant respectfully submits that claim 1 is not anticipated by Kramer under 35 U.S.C. § 102(b) because the reference does not disclose all of the features of the claim. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claim 1.

*Claim 9*

For the reasons presented above, Applicant respectfully submits that Kramer does not disclose “checking the input\_data signal whether it is erroneous without manipulating or analyzing bits or bytes of said data signal”, as recited in claim 9. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claim 9.

**Rejection Under 35 U.S.C. § 103(a)**

Claims 2 and 5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kremer in view of Ramaswami et al. (U.S. 6,597,826; hereinafter “Ramaswami”). Applicant respectfully traverses the rejection.

Applicant respectfully submits that Ramaswami fails to compensate for the deficiencies of Kramer. Therefore, claims 2 and 5 would not have been obvious under 35 U.S.C. § 103(a) in view of the references, because Kramer and Ramaswami, alone or in combination, do not teach or suggest all of the features of the claims. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claims 2 and 5.

Claims 3 and 11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kremer in view of Feinberg et al. (U.S. Patent Application 2002/0167694; hereinafter “Feinberg”).

Applicant respectfully traverses the rejection.

Applicant respectfully submits that Feinberg fails to compensate for the deficiencies of Kramer. Therefore, claims 3 and 11 would not have been obvious under 35 U.S.C. § 103(a) in view of the references, because Kramer and Feinberg, alone or in combination, do not teach or suggest all of the features of the claims. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claims 3 and 11.

Claims 4 and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kremer in view of Fee et al. (U.S. Patent No. 6,285,475; hereinafter “Fee”). Applicant respectfully traverses the rejection.

Applicant respectfully submits that Fee fails to compensate for the deficiencies of Kramer. Therefore, claims 4 and 10 would not have been obvious under 35 U.S.C. § 103(a) in view of the references, because Kramer and Fee, alone or in combination, do not teach or suggest all of the features of the claims. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claims 4 and 10.

Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Kremer in view of Imawoto et al. (U.S. Patent No. 5,790,520; hereinafter “Imawoto”). Applicant respectfully traverses the rejection.

Applicant respectfully submits that Imawoto fails to compensate for the deficiencies of Kramer. Therefore, claim 6 would not have been obvious under 35 U.S.C. § 103(a) in view of the references, because Kramer and Fee, alone or in combination, do not teach or suggest all of the features of the claim. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claim 6.

**Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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